REMARKS

Rejections under 35 U.S.C. § 112

Claims 10-16 have been rejected under 35 U.S.C. § 112 for lack of an antecedent basis to the limitation "body fat meter." Claims 10-16 have been amended to depend from claim 9, thereby providing proper antecedent basis for "body fat meter." New claims 17-21 have been added, which correspond to original claims 10, 12, 13, 15 and 16, respectively, and depend only from claim 7. No new matter has been added. Applicants believe the amendments are fully responsive to the Examiner's concerns.

Nonstatutory Double Patenting Rejection

In the Office Action, Claims 7-9, 11 and 14 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,618,616 in view of U.S. Patent No. 6,360,124 (Iwabuchi). Claims 6 and 10 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,618,616 in view of U.S. Patent No. 5,469,857 (Laurent). Claim 12 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,618,616 in view of U.S. Patent No. 6,354,996 (Drinan) and (Iwabuchi). Claim 13 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,618,616 in view of U.S. Patent No. 6,354,996 (Drinan) and (Iwabuchi). Claims 15 and 16 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,618,616 in view of Drinan and Iwabuchi.

A terminal disclaimer is submitted herewith to overcome these rejections.

Rejection under 35 U.S.C. § 103(a)

Claims 6, 8-10 and 12-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,354,996 (Drinan et al.) in view of U.S. Patent 5,121,470 (Trautman). Claims 7 and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Drinan in view of Trautman as applied to claims 6 and 9 above, and further in view of U.S. Patent 6,360,124 (Iwabuchi).

The Office Action acknowledges that Drinan does not disclose the retrieval of personal data allotted to a touched one of said electrodes. The Office Action further asserts that the missing elements are disclosed by Trautman, and that claim 6 is obvious in view of the proposed combination of Drinan and Trautman. Specifically, the Office Action asserts that Trautman's teaching of "icons on a touch screen" is analogous to "personal data allotted to a touched one of said electrodes" as claimed. Applicant respectfully disagrees.

Claims 6, 7, 8 and 9

According to pending claims 6, 7, 8 and 9 there are a plurality of electrodes for measuring bioelectrical impedance. Furthermore, personal data is allotted to each electrode, and is stored in a memory unit. Claims 6, 7 and 8 further recite that the control unit controls "retrieval of personal data allotted to a touched one of said electrodes from said memory unit," and claim 9 further recites that the "control unit controls the allotting of personal data to a touched one of said electrodes and writing of the personal data in said memory unit." Thus, in the claimed invention, **each electrode performs several tasks**. Claims 6, 7, and 8 recite that the electrodes are for measuring bioelectrical impedance and are used for retrieval of personal data. Claim 9 recites that the electrodes are for measuring bioelectrical impedance and are used for storing personal data. Additional uses of the electrodes are found in the dependant claims. For

example, claim 13 recites that the electrodes can be used as a power switch in addition to the plurality of uses already described.

Trautman discloses that data is accessed via a touch screen. (col. 6 lines 53-58). Trautman, however, does not teach or even suggest that its touch screen performs any additional functions, such as also functioning as an electrode.

The Examiner points out that Trautman discloses "recovery means via actuation by touch." (Office Action, pg. 9). The prior art described in the current application (page 1) employs actuation by touch of buttons and Trautman uses actuation by **touch of a touch screen**. Neither the buttons nor a touch screen is analogous to electrodes.

Furthermore, assuming, *arguendo*, that the touch screen in Trautman could be considered an electrode, neither Drinan nor Trautman teach or even suggest using electrodes for multiple tasks. Drinan teaches the use of electrodes to measure bioelectrical impedance. (col. 3 lines 3-10). Trautman teaches the use of a touch screen to retrieve data. (col. 4 lines 10-16). In each case the "electrodes" are used for a single purpose. In contrast, the claimed invention uses the same electrodes for multiple tasks.

Neither Trautman nor Drinan teaches or suggests the use of "electrodes" for multiple purposes; i.e., for measuring bioelectrical impedance **and** storing or retrieving personal data, as does the claimed invention. Moreover, the Examiner has not provided any reason why one skilled in the art would combine Trautman and Drinan to yield the claimed invention.

Even if there were a plausible reason to combine Trautman and Drinan, which there is not, the combination would still not produce the present invention. Drinan discloses using electrodes to measure bioelectrical impedance. (col. 3 lines 3-10). Trautman discloses creating actuators on a touch screen to retrieve data. (col. 4 lines 10-16). Upon combining the teachings

of Trautman and Drinan one skilled in the art would most logically use the electrodes from Drinan to measure bioelectrical impedance and create actuators on the touch screen from Trautman to store and retrieve the data obtained from the measurements. Thus the combination of Trautman and Drinan would teach away from the claimed invention.

Thus, the combination of Drinan and Trautman does not render claims 6-9 obvious. Consequently, claims 6-9 are patentable.

Furthermore, claim 6 already claims a display unit and after combining Trautman and Drinan the simplest and most logical solution to one skilled in the art would be to create actuators on the display unit to allow storage and retrieval of data. The electrodes would continue to be used for measuring bioelectrical impedance. In contrast, uses the electrodes for measuring bioelectrical impedance **and** storing or retrieving personal data.

Claims 10-16 depend from claim 9 and are believed to be patentable for at least the same reasons as claim 9. Claims 17-21 depend from claim 7 and are believed to be patentable for at least the same reasons as claim 7.

Conclusion

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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